

U. S. BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

**ABINGDON CALENDAR - NOVEMBER 22, 2005**

(The Honorable William F. Stone, Jr. Presiding)

(Start: \_\_\_\_\_ Recess: \_\_\_\_\_ ♦Resume: \_\_\_\_\_ Stop: \_\_\_\_\_ ♦Trials: \_\_\_\_\_ Proceedings \_\_\_\_\_)

Attys:                      Debtors:    Case Nos.:                      Trustees:

**9:30 A. M. - PRE-TRIAL CONFERENCES IN COURTROOM**

Jessee                      GENERAL CREATIONS, INC.    03-01782                      Callahan/GR

AP 05-07092: Recover Money/Property *cont from 10/19*  
Trustee (Farthing) v. Brian Moore (Shortridge)  
Answer to Complaint and Motion to Dismiss filed 10/4, #11  
***Motion for Withdrawal of Reference scheduled before Judge Jones at 9:30 am***

AP 05-07093: Recover Money/Property, *cont from 10/19*  
Trustee (Farthing) v. James Adair (Shortridge)  
Answer to Complaint and Motion to Dismiss filed 10/4, #12  
***Motion for Withdrawal of Reference scheduled before Judge Jones at 9:30 am***

AP 05-07094: Recover Money/Property *cont from 10/19*  
Trustee (Farthing) v. Kenneth Russell, Jr. (Shortridge)  
Answer to Complaint and Motion to Dismiss filed 10/4, #12  
***Motion for Withdrawal of Reference scheduled before Judge Jones at 9:30 am***

AP 05-07095: Recover Money/Property *cont from 10/19*  
Trustee (Farthing) v. Bryant Enderle (Shortridge)  
Answer to Complaint and Motion to Dismiss filed 10/4, #12  
***Motion for Withdrawal of Reference scheduled before Judge Jones at 9:30 am***

Pro se                      ROGER WELLS    04-75100                      DIP/S

AP 05-07069: Recover money/Property , *cont from 9/21*  
Debtor (Pro se) v. First Bank & Trust Co ( Chafin )  
Answer filed 8/31 #11  
Motion to Dismiss filed 11/3 #16 (Chafin)

AP 05-07309: 498                      (*summons issued 9/30*)  
Debtor vs All American Homes NC. LLC (Esposito)  
Answer to Motion for Specific Performance filed 10/28 #8 (Esposito)  
***Order entered 11/16 #9 Dismisses adversary - failure to pay filing fees***

**9:30 A. M. - PRE-TRIAL CONFERENCES IN COURTROOM**

Pro se                      ROGER WELLS    (*A/Ps continued*)                      04-75100                      DIP/S

AP 05-07310: 454 (Recover Money/Property)  
Debtor vs Malcolm and Sandra Browning (Pyott) (*summons issued 9/30*)  
Answer filed 11/9, #8  
***Order entered 11/16 #9 Dismisses adversary - failure to pay filing fees***

AP 05-07311: 454 Recover Money/Property  
Debtor vs Clayton Homes (*summons issued 9/30*)  
***Order entered 11/16 #8 Dismisses adversary - failure to pay filing fees***

AP 05-07312: 454 Recovery Money/Property  
Debtor vs Ralph Davis and Classic Homes (*pro se*) (*summons issued 9/30*)  
Answer filed 11/14, #11  
***Order entered 11/16 #12 Dismisses adversary - failure to pay filing fees***

AP 05-07313: 454 Recover Money/Property  
Debtor vs First Bank & Trust (                      ) and Gregory Gilbert (Esposito)  
(*summons issued 9/30*)  
    Gilbert Motion to Dismiss Adversary & Answer filed 10/24 #9,10 (Esposito)  
    Gilbert Motion for Summary Judgment filed 11/7 #11,12 (Esposito)  
***Order entered 11/16 #13 Dismisses adversary - failure to pay filing fees***

AP 05-07314: 454 Recover Money/Property  
Debtor vs Free Service Tire #411 (*summons issued 9/30*)  
***Order entered 11/16 #8 Dismisses adversary - failure to pay filing fees***

AP 05-07315: 454 Recover Money/Property  
Debtor vs General Shale, LLC (*summons issued 9/30*)  
***Order entered 11/16 #8 Dismisses adversary - failure to pay filing fees***

AP 05-07345: 454 Recover Money/Property  
Debtor vs Joseph and Nora Hardison (*summons issued 9/30*)  
***Order entered 11/16 #9 Dismisses adversary - failure to pay filing fees***

AP 05-07346: 454 Recover Money/Property  
Debtor vs Ron and Shelby Holt and JBH Investments (*summons issued 9/30*)  
***Order entered 11/16 #8 Dismisses adversary - failure to pay filing fees***

AP 05-07347: 498 (Other Action)  
Debtor vs Impact International Church (*summons issued 9/30*)  
***Order entered 11/16 #8 Dismisses adversary - failure to pay filing fees***

**10:00 A. M. - MISCELLANEOUS**

Jessee	LEROI M. HULL CO INC	7-01-03786	Vogel/GR
	Motion of (former) Trustee, Robert Wick, for compensation of \$15,089.16 and \$1,179.58 expenses , d/e # 320, filed 8/26/04 w/Mot. To Shorten, d/e # 321		
	<b>Obj:</b> U. S. Trustee, filed 9/16/04; d/e # 323		
	-contd fr. 4/20 & 6/22, 7/6 and 9/7 to hear w/final appl. of successor trustee		
	<b><i>Per 11/21 TC with Mr. Wick, parties to submit order to continue matter to February date</i></b>		
Jessee	ROGER AND LUCY LINEBERRY	05-73097	Wick/NS
	Motion to Avoid Lien filed 10/26 #6,7		
Jessee	CHRISTIAN MOORE	05-72899	Callahan/NS
	UST Motion to Dismiss case for Substantial Abuse filed 10/25 #21 (Cosby)		
Carmody	JAMES MULLINS II ( <i>reopened 7/12/05</i> )	04-695	Allen/NS
	Motion to Avoid Lien of Virginia Credit Union (c/o Jane Watkins, CEO)		
	Filed 7/22; # 26, <i>cont from 9/7</i>		
	<u>Answer filed 8/3 #29 (Lamie), cont from 9/7</u>		
Copeland	DAVID AND SUSAN ROBINS	05-70920	Callahan/S
	Motion to Compel UST to answer Discovery Requests filed 9/2 #54,55 <i>cont from 9/21_&amp; 10/19</i>		
	<u>Response</u> filed 9/19 #61		
Copeland	MARIANO ROMANO	05-72556	Callahan/SJ
	UST Motion to Extend Discharge and Time for filing motion to Dismiss filed 10/6 #9 (Garber) cont from 11/9		
Carroll	DAVID AND JANICE FARMER	05-72470	Callahan/LM
	U.S. Trustee Motion to Dismiss Pursuant to 707(b) with memorandum in support filed 10/6, #18 (Garber)		
Sturgill	TREVA MCCRAY	05-74600	Wick/JM
	Motion for Relief filed 10/19 #7, 13 by Daimler Chrysler Services with motion and order to extend automatic stay #9,10 (Higgs)		
	<b><i>Order entered 11/4 #16 grants relief</i></b>		

**11/22 ABG**

**10:00 A. M. - MISCELLANEOUS**

Hendricks	JOHN AND KIMBERLY GLOVIER	05-74001	Wick/JM
	Motion for Relief filed 10/19 #11,17 with Motion and order to extend the stay #13 &14 by Daimler Chrysler Services ( Higgs)		
	<b><i>Order entered 11/4 #19 grants relief</i></b>		
Snodgrass	CHARLES AND JUDY GRACE	05-74775	Vogel/LM
	Motion for Relief filed 11/2 #7 by Daimler Chrysler Services North America (Higgs)		
	<b><i>Default order entered 11/15 #12 grants relief</i></b>		
Hutchinson	JAMES AND GRACE SCOTT	05-74102	Wick/JM
	Motion for Relief filed 10/21, #7, 9, 10 with Motion and Order to extend the stay (#11 and 12) by Wells Fargo Acceptance Corp. (Goldstein)		
	<b><i>Order granting Motion entered 11/10 #15</i></b>		
Fleming	BRANDON AND ANGELA BAKER <b>(BSG CASE)</b>	05-73930	Wick/AF
	Motion for Relief filed 10/19, #7, 8, with Motion and Order to Extend the Stay (#9, 11, 12) by Daimler Chrysler Services (Higgs)		
	<b><i>Order entered granting motion 11/7, #15 (hearing cancelled)</i></b>		
Scott Carmody	JUDY RIFE	05-70788	Jessee/GR
	Trustee Motion for Turnover Order (Directing DR to Turn Over Property of the Estate) (Callahan for Jessee), filed 11/11 #76		
Via	THOMAS NEWTON, II	04-02404	Callahan/JM
	Debtor motion to convert case to chapter 13 filed 9/8 #32,36 ( <i>reconversion</i> )		

11/22 ABG

**10:00 A. M. - MISCELLANEOUS**

Bledsoe	SHANE AND MELANIE STAPLETON	05-72820	Jessee/S
	Motion for Relief filed 10/28 #13 by Appalachian Community Federal CU (Hutton)		
Money	DEWEY AND DANIELLE JACKSON	05-73125	Jessee/S
	Motion for Relief filed 10/28 #8,10,11 by Nissan Motor Acceptance (Van Beek) <b><i>Consent Order tendered to CM Orders 11/18.</i></b>		
Money	JEFFERY DALE EVANS	05-73123	Jessee/S
	Motion to Redeem filed 10/17, #6 re: Citifinancial Auto and Citifinancial		
Gifford	LISA BUCKLES	05-73903	Wick/JM
	Motion for Relief #6,11 and Co Debtor Relief filed 10/28 # 8,12 by First Horizon Home Loan (Wood)		
McDaniel	MARK AND WENDY WHITAKER	05-73692	Callahan/NS
	Motion for Relief filed 10/28 #6,8 by Select Portfolio Servicing, Inc. (Hildebeidel)		
Farthing	RANDALL AND STELLA WARF	05-74818	Jessee/VS
	Motion for Relief filed 11/1 #10, 13 by Origen Financial, LLC (Zimm)		
	Motion for Relief filed 10/31 #6,8 ( <i>amended ntc #14,16</i> ) by JP Morgan Chase Bank (Huebschman)		
Farthing	CHRISTOPHER AND ELEANOR MABRY	05-74020	Wick/S
	Motion for Relief filed 10/20 #7,9, 13 with motion and order to extend the stay #11,12 by Wells Fargo Financial Acceptance (Goldstein) <b><i>Default Order granting motion entered 11/14, #15</i></b>		

11/22 ABG

**10:00 A. M. - MISCELLANEOUS**

Beck                      ANTAEUS TECHNICAL SERVICES INC                      99-2114                      Copeland/VS  
Objection of Trustee (Copeland) to Claims: *all cont from 9/21*

#50: CIBC World Markets filed 4/1; # 367

#34: Nuecol (c/o J Lamie) filed 4/1; # 351 - (see also Cl.21 @ #344 below)  
#21 & #34: Nuecol (c/o J Lamie) filed 4/1; # 344  
Response filed 5/6 (Lamie)

#32: Richard Wolfe filed 4/1; # 349 – (see also Cl.22 @ # 345 below)  
#22: Richard Wolfe filed 4/1; # 345

#17: Coal Technology filed 4/1; # 341 (see also cl.#8 @ #336 below)  
#8: Coal Technology filed 4/1; # 336

Objection to claim #45 #364 of Anderson & Schwab filed 4/1  
Response filed 6/3; # 381 (by Frank Schwab Jr)  
*Note: Order of 10/12 vacates order of 10/6 and sets further p/t hearing on this date.*

**10:00 A. M. - PRE-TRIAL CONFERENCES IN COURTROOM**

Jesse, C                      GENERAL CREATIONS, INC                      03-1782                      Callahan/GR

AP 05-07096: Recover Money/Property (*summons reissued 10/6*)  
Wm E Callahan Jr., Trustee (Farthing) vs Robert Compton (*rescheduled from 9:30 to 10:00 AM #11*)  
*Note: Motion for default judgement filed 11/17 #12 scheduled 12/21 @ 10AM*

AP 05-07103: Recover Money/Property *cont from 9/21 & 10/19*  
Wm E Callahan Jr Trustee (Farthing) v. Corporate Skies, Inc(        )

Motion for Default Judgement filed 10/18 #9

**11/22 ABG**

**10:00 AM MISCELLANEOUS**

Money PEGGY MILLER 05-71536 Vogel/AF  
Motion of U. S. Trustee to Dismiss Case for Substantial Abuse filed 7/6; # 10  
(Cosby) *cont from 10/5 for further pre-trial by order of 10/6*  
Motion to withdraw Motion to Dismiss filed 11/18 #21 by UST (Cosby)  
***Order on 11/21 #22 withdrawing UST motion to Dismiss***

Money REBA ATKINS 05-71290 Vogel/NS  
  
AP 05-07082: Det. Dischargeability, *cont from 8/17, 9/7, (cont P/T Conf from 10/19)*  
Debtor v. U. S. Dept of Education( Eckert), *cont from 9/7 & 10/19*  
US Dept of Ed.'s Motion to Dismiss A/P (Eckert) filed 8/1 #4,5, *cont from 9/7 & 10/19*  
Defendant's Motion to Dismiss Adversary filed 8/1, *cont from 9/7, & 10/19*  
Memorandum Brief in Support of Dismissing Motion to Dismiss filed 10/7 #18  
& 10/19  
***Ord entered 11/18 continues PTC to December 13, 2005 at 11:00 a.m. via telephone conference call***

**11:00 A. M. - MISCELLANEOUS**

Copeland COAL RIVER RESOURCES 04-988 DIP/GR  
Copeland STEVEN R. MULLINS EXCAVATING INC  
Goldstein HOLLOW MOUNTAIN RESOURCES INC  
Leonard TRI-STATE LEASING  
(Jointly Administered Cases)

**RE: Coal River Resources: (Copeland)**

Amended Disclosure Statement & Plan *contd from 6/21, 8/2, & 10/18*

Objection to Claim #7 of Coal Sourcing and Sales #360, *cont from 10/18*  
Response filed (Brian Glasser) on 11/18; #421

Application for Writ for Motion in Limine filed 10/3, #920, 921  
Memorandum in support of Obj and motion in Limine filed 10/3, #919  
Response: filed 10/14, #936

Motion for Summary Judgment (Coal Sourcing) filed 10/3, #923, *cont from 10/18*  
Memorandum in Opposition to Motion for Summary Judgment filed 10/14, #937  
*cont from 10/18*

11/22 ABG

**11:00 A. M. - MISCELLANEOUS**

Hastings/ Callahan	FIVE FORTY PARK CORPORATION Motion to Sell Free and Clear of Liens and shorten notice filed 11/3, #292 <u>Response</u> filed 11/15, #294 by George & Joseph Hunnicutt (Maxwell)	03-04746	DIP/JJ
Copeland	BEAR RIDGE MINING, INC. Motion for Final Decree filed 8/31 #275, <i>cont from 10/5 &amp; 11/9</i> <b>OBJ:</b> UST filed 9/30 #278 (Garber) <b><i>Continued from 11/9 to this date or 12/7 - check continuance order</i></b> <b><i>11/21 - Per TC with Mr. Copeland's office; probably will submit order today</i></b> <b><i>continuing matter to 12/7.</i></b>	00-00708	DIP/SO

**1:00 P. M. - CONFIRMATIONS**

Hutchinson	RICKY DOTSON ( <i>converted 7 to 13 on 8/9</i> ) Plan filed 9/16 #14, conf ntc #10 Trustee Report and Show Cause filed 10/27 #16	05-72198	Widener/NS
Carmody	JAMES AND JUDY JACOBS ( <i>converted on 8/4</i> ) Plan filed 9/12 <i>with cert of service</i> Trustee Report and Show cause filed 10/27 #47	04-74235	Widener/AF
Carmody	SCOTTIE AND LORIE THOMPSON Plan filed 8/11 #3 Trustee Report and Show cause filed 10/27 #17  Valuation: SunTrust Bank filed 8/22 #11, <i>cont from 9/21</i> <b><i>Order ent 9/27 grants valuation motion with SunTrust</i></b>  Valuation: Capital One Auto Finance filed 8/22 #12, <i>cont from 9/21</i> <b><i>Order ent 9/27 grants valuation motion with Capital One</i></b>	05-73030	Widener/AF
Carmody	WILLIAM AND NICOLE COLLISON Plan filed 8/9 #3,6 <b>OBJ:</b> Citifinancial Auto Corp filed 10/26 #13 (Zimm) Trustee Report and Show Cause filed 10/27 #14	05-72998	Widener/NS

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**1:00 P. M. - CONFIRMATIONS**

Carmody	BILLY AND SHIRLEY MYERS	05-72999	Widener/NS
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Plan filed 8/9 #3

Largen	HERSHEL BLANKENSHIP	05-73005	Widener/JM
	Plan filed 8/10 #4		
	Trustee Report and Show Cause filed 10/27 #9		

Largen	IRA AND RITA REYNOLDS	05-72912	Widener/SO
	Plan filed 8/9 #7 <i>with cert of service</i>		
	Valuation: CitiFinancial Auto Corporation filed 10/21, #9, 10		
	Trustee Report and Show Cause filed 10/27 #12		

Largen	MARK AND ANDREA BROOKS	05-72295	Widener/NS
	Amended Plan filed 10/6, #14, 15		
	<b>Obj:</b> Americredit Financial Services (Epps) filed 7/5; # 10		
	Trustee Report and Show cause filed 9/14 #11, <i>cont'd from 9/21</i>		

Pro se	BOBBY AND SANDRA WEBB	05-73063	Widener/SL
	Plan filed 8/12 #2,9; plan amended 8/29 #17 <i>with cert of service</i>		
	<b>OBJ:</b> First Community Bank filed 9/14 # 19 (Kieffer)		
	U.S. Trustee Motion for Sanctions filed 10/6, #20 (Garber)		
	Motion for Relief filed 11/2 #21,23 by Green Tree Servicing LLC (Epps)		

Hutchinson	JAMES AND TERESA PUCKETT	05-73084	Widener/GR
	Plan filed 8/16 #3,5		

Hutchinson	GREGORY JACOBS	05-72546	Widener/jj
	Plan filed 7/1 #4,7 <i>cont from 10/19</i>		

11/22 ABG

**1:00 P. M. - CONFIRMATIONS**

Via	MELISSA MOSIER	05-73074	Widener/LM
	Plan filed 8/15 #2, 5		

Trustee Report and Show Cause filed 10/27 #9

Timoney	ROBERT AND TERRY CHRISLEY Plan filed 8/15 #3, 6 Trustee Report and Show Cause filed 10/27 #11	05-73077	Widener/LM
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Largen	CARL HAMILTON Plan filed 8/15 #4, #6	05-73078	Widener/LM
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Largen	DANNY AND LISA GRAHAM Plan filed 8/10 #4, #6	05-73012	Widener/SO
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OBJ: filed 9/23 #9 by Chase Manhattan Mortgage Corp (Wood)  
***Ord entered 11/3 withdraws objection without prejudice***

*1<sup>st</sup> Amended Plan filed 10/19 #10,12 schedules conf 12/7 @1:00 PM*

Largen	CRAIG AND SONJA MAIDEN Plan filed 8/19 #4, #6 Trustee Report and Show cause filed 11/14 #10	05-73143	Widener/JJ
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Lamie	JAMIE AND REBECCA LACY Plan filed 8/31 #3 Valuation: Chase Auto Finance, Corp filed 9/9 #9 Valuation: WFS Financial filed 9/9 #10	05-73311	Widener/SO
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Lamie	DAVID AND WANDA JACKSON 2 <sup>nd</sup> Amended Plan, corrected, filed 10/5, #74, 75	04-03812	Widener/SO
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11/22 ABG

**1:00 P. M. - CONFIRMATIONS**

Lamie	MELISSA ROARK CARTER Amended Plan, corrected, filed 10/7, #32, 33, 35	03-03080	Widener/GR
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Gifford	JAMES AND KIMBERLY DILLOW Amended Plan filed 9/16, #34, 35, <i>cont from 11/9</i>	05-71580	Widener/GR
Hendricks	TERRY AND TERESA TAYLOR 2 <sup>nd</sup> Amended Plan filed 9/28 #22,23 ( <i>post confirmation</i> )	05-72240	Widener/JJ
Hendricks	EDNA POOLE Plan filed 10/4 #3	05-74154	Widener/SJ

**1:30 P.M. MISCELLANEOUS**

Largen	JOSEPH AND INEDA JENNINGS Motion for Relief filed 10/25, #26,28 by Option One Mortgage (Bierman) <i>noticed for 11/21 in error; Bierman re-noticed for 11/22 @ 1:30 time frame</i> <b><i>Per 11/22 fax to Chambers from Mr. Bateman, default order terminating stay to be submitted within 10 days</i></b>	05-73129	Jessee/S
Largen	GAYTHER AND KAREN TESTERMAN Motion for Relief filed 10/28 #24,26,27 by CitiFinancial Mortgage (Bierman) <u>Response</u> filed 11/1 #28 <b><i>Per 11/21 fax to Chambers, Mr. Bateman will submit 6 month consent order modifying the stay within 10 days.</i></b>	04-03315	Widener/VS
Pro se	STEPHEN BARKER Notice of Show Cause re 11 USC §109 and 521 - failure to receive credit counseling	05-75804	Widener/JM
Lamie	WALTER AND REBECCA SPRINKLE ( <i>chap 12</i> ) Motion to Reconsider (# 135) and to Alter Judgment filed 10/7, #137 by Creditor Bobby C. Gray (Lyle) <i>cont from 11/9</i> <b><i>Cont'd to 12/7 at 1:30 by Order entered 11/17/05, #148</i></b>	04-01592	Widener/NS
Lamie	JERRY AND CLARITA WARREN Motion for Relief filed 10/18, #36, 37 by Midfirst Bank (Zimm) <i>cont from 11/9</i> <u>Answer</u> filed 10/24 #40 (Lamie) <i>cont from 11/9</i>	02-02141	Widener/JJ

**11/22 ABG**

**2:00 P. M - MISCELLANEOUS**

Jessee	GLENN AND AMY BUCHANAN	02-04128	Widener/S
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Trustee Motion to Dismiss or Convert Case filed 11/1 #42  
***Order entered 11/15 #43 withdraws Trustee Motion to Dismiss Case***

Black	SELDON FRENCH Motion for Relief and Co-Debtor Stay filed 11/3 #55 by Mortgage Electronic Registration C/O GreenPoint Mortgage Inc. (Sasser) <u>Response</u> filed 11/4, #63	05-72626	Widener/S
Timoney	TONY AND MICHELLE LEWIS Trustee Motion to Dismiss or Convert Case filed 11/2 #37	00-03442	Widener/JJ
Timoney	JASON LIDDLE Trustee Motion to Dismiss or Convert Case filed 11/2 #14	04-74987	Widener/GR
Hutchinson	MICHAEL AND KIMBERLY DILLARD Trustee Motion to Dismiss or Convert case filed 11/2 #16	05-71061	Widener/SL
Carmody	JOSEPH AND SHARI COLE Trustee Motion to Dismiss or Convert case filed 11/2 #76	01-04094	Widener/NS
McDaniel	ROGER AND MIRIAM ANO Trustee Motion to Dismiss or Convert Case filed 11/2 #56	04-01894	Widener/NS
Money	WANDA HINTON Trustee Motion to Dismiss or Convert Case filed 11/2 #69	03-01503	Widener/JM

**11/22 ABG**

**2:30 P. M. - TRIAL**

Lamie

LAMBERT OIL COMPANY, INC.

03-01183

Callahan/JJ

A/P 05-07043: Recover Money/Property - **TRIAL**

Trustee (Callahan) vs Debtor

Answer filed 4/22 #5